

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

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LEIGH A. HARLEY,

Plaintiff,

vs.

Civ. No. 97-868 MV/WWD

STAFFING RESOURCES, INC.,  
RESOURCES MFG., and PRO DRIVERS, INC.,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This matter comes before the Court upon Plaintiff's Motion to Reopen Discovery for a Limited Purpose filed April 17, 1998. Plaintiff seeks permission to take four depositions which I previously prevented. Plaintiff's counsel was required to consult with opposing counsel before scheduling the depositions, and he was required to serve notice of the depositions "at least fourteen (14) calendar days before the scheduled deposition." He did neither. Defendants properly sought and obtained a protective order. I consider the instant motion timely. I am not persuaded that Defendants would suffer any prejudice if the motion were granted. Either granting or denying the motion would be within the sound discretion of the Court. In her reply, Plaintiff suggests for the first time that the proposed depositions were delayed because Defendants were slow in responding to discovery. Initially, in Plaintiff's motion, the failure to follow the rules which resulted in the protective order blocking the depositions now sought was "committed solely by [Plaintiff's] counsel." These positions may be reconcilable, but I shall not

attempt the reconciliation. The period for discovery was 150 days. Plaintiff's counsel should have prepared his case. However, as Plaintiff belatedly suggests, Plaintiff was delayed in her discovery by Defendants' slow discovery practice. This is corroborated by my memorandum opinion and order granting Plaintiff's motion to compel. I find that there is "good cause" for reopening discovery with respect to the depositions of Fran Scott, Kate Badger, and Belinda Hotchkiss and Fred Keulin.

WHEREFORE,

IT IS ORDERED that Plaintiff's Motion to Reopen Discovery for Limited Purpose be, and it is hereby, GRANTED.

IT IS FURTHER ORDERED that upon reasonable notice<sup>1</sup> the Plaintiff may take the depositions of Fran Scott, Kate Badger, Belinda Hotchkiss, and Fred Keulin, provided that the depositions be completed on or before May 15, 1998.

  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>If counsel cannot agree upon a date they should contact me by conference call and I will set the time and place of the depositions.